Better lawmaking 2006 pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality

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The Committee on Legal Affairs adopted an own initiative report by Manuel **MEDINA ORTEGA** (PES, ES), in response to the report by the European Commission on ‘Better lawmaking 2006’ (the application of the principles of subsidiarity and proportionality).

The report supports the Commission's objective of improving the quality of Community legislation and reducing the legislative burden, including abolishing legislation that is unnecessary, hampers growth and inhibits innovation. It emphasises the importance of the principles of subsidiarity and proportionality in the context of the efforts to bring about better lawmaking as well as to secure broader acceptance among EU citizens for those measures which, in keeping with both principles, can only be taken at Community level.

MEPs support the Commission’s efforts to bring about the simplification of the Community acquis but call on it to draw up a single annual document in order to provide an overview of its strategy. They consider that consultations and impact assessments are essential to better drafted Community legislation and that they should help to establish a sound legal framework that is conducive to growth in the European Union. They also stress the need for cost-benefit analyses that reflect the regulatory cost structures, provided that such analyses are not used as a substitute for the political debate about the pros and cons of particular legislation.

The committee voices doubts as to the appropriateness of encouraging self-regulation and co-regulation, which could ultimately turn into a form of ‘legislative abstinence’ that would encourage only pressure groups and powerful players on the economic stage. MEPs therefore support the Commission’s conclusion that regulations continue to be the simplest way of achieving the EU’s objectives and providing both businesses and citizens with legal security. The Commission is called upon to develop a more consistent approach in this respect.

The report confirms its wish that the Commission adopt recasting as an ordinary legislative technique, even when the ‘revision’ of the current text is being proposed, so as to make it possible to have – for each initiative – a complete overview of the text where the recast will not be possible. The ordinary legislative technique should make provision for codification, within not more than six months, of the successive amendments to the legislative act in question.

MEPs are also of the opinion that transposition should be seriously and proactively monitored to avoid diverging interpretations and gold-plating. They want the Commission to play an active role in transposition, together with supervisors and expert groups, at both Community and national level and call for 'follow-up impact assessments' analysing how decisions are in fact implemented at national and local level. MEPs believe that, with a view to more efficient relations with the national parliaments, there is a need for a common approach to the conditions established by the subsidiarity and proportionality principles.

Lastly, the report emphasises that the Commission’s target of reducing administrative burdens by 25% by 2012 should be a net target, meaning that reductions in certain areas must not be nullified by new administrative burdens imposed elsewhere.